

THE STATE



OF WYOMING

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JIM GERINGER  
GOVERNOR

WATER RIGHTS  
SALT LAKE  
GORDON W. FASSETT  
STATE ENGINEER

## Board of Control

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JADE HENDERSON, SUPERINTENDENT  
WATER DIVISION NO. 4

9 June 1998

Randal Asay, President  
Peoples Canal Company  
Manila, UT 84046

Dear Mr. Asay:

It has come to our attention that a significant portion of the acres adjudicated under the Wyoming water right for Peoples Canal are not in compliance with the 1948 interstate Upper Colorado River Basin Compact nor with Wyoming Statute 41-3-113.

- Some of the lands with Peoples Canal water rights diverting in Wyoming from Henry's Fork have overlapping Utah water rights from other sources in Utah.
- Some of the lands permitted under Peoples Canal are now inundated by Flaming Gorge Reservoir and cannot be irrigated.

The requirements of an interstate priority schedule that is to be developed by the 2 states under Article XII(a) of the 1948 Compact, and Wyoming water law that limits irrigation to 1 cfs per 70 acres from all sources, cannot be met with overlapping water rights doubly-irrigating the same lands.

We are hereby informing Peoples Canal water users that the Division IV water regulation officials of the Wyoming State Board of Control will NOT honor your call for regulation of Henry's Fork without acceptable verification from the State of Utah that these lands are not also receiving water from other sources, and until Peoples Canal appropriators petition the Wyoming State Board of Control to resolve adjudicated acres inundated by Flaming Gorge Reservoir.

A special mapping project was initiated several years ago by the 2 states to assist in developing the interstate delivery schedule without duplicate irrigation; but the project has stalled. It is our hope that additional water rights detail from the State of Utah will bring this project to completion.

Please let us know if we can provide more detail on the separate procedures for petitioning Wyoming to resolve the inundated water rights.

Respectfully,

Jade Henderson  
Wyoming Water Superintendent

JH/lif

copy: Farren Johnson, Water Commissioner  
John Yarbrough, Lead Hydrographer

Gordon W. Fassett, Wyoming State Engineer

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